

Unto the Right Honourable,
My Lords of Council and Session,

THE
PETITION
OF

The University of St. Andrews,

Against

The Town of St. Andrews.

Humbly Sheweth,

THat where Your Lordships, in a Competition betwixt the University and the Town of *St. Andrews*, did by your Interloquitor of the 18 instant, Find. That the Concession of the Bishop in favours of the University cannot prejudice the Right formerly granted to the Burgh, which Your Lordships found by the Charter produced for the Masters, to be sufficiently proven against the University; And Found, that the Act of Parliament, albeit statutory in a part of it, cannot take away the private Right of the Burgh, but that it falls under the Act *Salvo Jure*; And found, that the Clause in the Foundation, comprehends only such Injuries as are done upon, and against the Members, and not such as are done by them; And therefore that the Jurisdiction, granted to the University, without their Precincts, is not privative of the Towns Jurisdiction.

This being an Interloquitor, pronounced upon once hearing, and debate in such short time, as it was impossible to make all the Representation needful, in a matter of so important and general a Concern; We do now hope Your Lordships will allow us, in pursuance of the Duty we owe unto the University, to beg that the consideration of that Affair may be resumed, upon the Grounds following.

And First, as to that part of the Interloquitor, Finding that the Concession of the Bishop in favours of the University, cannot prejudice the Right formerly granted to the Burgh, &c. We most humbly represent, That our

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Privilege

Priviledge and Erection is not simply founded on the Concession of the Bishop of St. *Andrews*, but founded in the most solemn, authentick and formal Manner, that any University in the World can pretend to; There being first a Bull of Concession, by Pope *Benedict* the 13. giving Warrant for the Erection, and afterwards a Charter, dated *in anno* 1411, granted by the Bishop and Chapter of St. *Andrews*, who, according to the Dignity then usurped by the Bishops, was no less than Prince of the Place, under the King; and the Bishops Charter was confirmed by another Bull of the said Popes in September thereafter, bearing to proceed, *Ad Charissimi in Christo Filii nostri Jacobi Regis Scotiz illustris; & venerabilis fratris nostri Henrici Episcopi Sancti Andree, ac Dilectorum filiorum Prioris, Archidiaconi, & Capituli Ecclesie Sancti Andree in Scotia devotæ supplicationis instantiam*, And the King himself upon the 10. of March 1432, granted a Charter under the Great Seal, upon a very solid and illustrious Narrative, containing several Priviledges; And least any thing should be wanting, His Majesty, within ten days thereafter, did grant a Charter of confirmation, containing *verbatim* the Bishops Charter, and Ratifying and confirming it in every Head and Article: From whence it is evident, that the University, erected in the eyes of the World, by such a concurrence of Power and Authority, in the ordinary Forms used at that time in such Cases, without the least Vestige of contradiction, Cannot now, after near 300 years, be called in question, upon any pretended defect of Right in the Granter; And it is of a very dangerous Consequence, after so long a time, and vicissitude of Affairs, as has happened in this Nation, to apply the Nice Rules of Formalities, in judging of Ancient Foundations and Charters.

2. The Right of Erecting Universities is, by all Lawyers who write upon that Subject, reckoned *inter majora Regalia, seu Majestatis*, of which no Priviledge of Burgh could deprive the King, or divest him of the Exercise of that Prerogative; And we do contend, That albeit the first Charter does proceed upon a Bull of Concession from the Pope, and Erection from the Bishop, yet the University does receive its Vigor and Constitution from the several Charters by King *James* the 1st. and his Successors, especially the Charter the 10 March 1432, wherein the King, according to the duty of his Royal Dignity (as the Charter bears) does not design the said University, by the bare Name of University, but as *Filia nostra quam dilectam*; and grants several ample Priviledges, not by way of Confirmation; and does likewise take the Members of the said University *sub firma pace, custodia, defensione & manutentionia*, designing thereby to maintain and defend them, from being invaded and incroached upon, either in their Persons or Priviledges, and so to secure them from all Trouble, or Expense at Law or otherways. And seeing in Law the King could not be divested of the Power of Erecting Universities, and that where the publick Utility should most require it, whereof the King was undoubtedly Judge; and that by the known Notions of Universities at that time, their Institution did contain all that the University of St. *Andrews* pleads. We do conceive no Priviledge of a Burgh Royal or Regality, could hinder the Erection or Priviledges, granted to the University of St. *Andrews*, especially seeing Lawyers agree, That the Usefulness and Favour of Universities is so great, that Proprietars might be compelled to sell their Property, and Neighbours to remove from their Houses, for the Accommodation of Students and Universities.

3¹⁰. Your Lordships Interloquitor proceeds upon the supposition of prejudice to the Towns Rights; And we do contend, that there was no imaginable prejudice, neither material, nor in point of priviledge to the Town

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or their Rights, but on the contrary that the Erection of the University, as it is Established and Adorned, and as it was intended, That *Potentia Universitatis potentem efficeret Civitatem*, which are the words of the Charter, so any distinction the Town enjoys, beyond any other place in the Country, it owes it entirely to the affection and Expences of the Students, who come thither from all places of the Country, to be Instructed in good Arts and Manners; by the care and Government of the Masters. The plain Ground that we do found upon is this, That where the publick Authority does Erect and bring together a particular Society of Men, in any place to be Governed by the Rules of their own Constitution, whatever priviledges are granted to them, either with regard to their own Members, or with regard to those in the place where they are Erected, who either injure them, or deal with them, in Civil Affairs, such an Erection cannot be said to be a prejudice, because the place or Town where the Erection is loses no Jurisdiction upon any person which was formerly competent to it: But besides that reason, every body knows, that by that excellent Constitution of *Frederick the Emperor, Lib. 4. Tit. 13. Cod. Ne filius pro patre*, Scholars, whether they belong'd to Universities or not, were only subject to the Jurisdiction of their Masters, or the Bishop of the place, The words are, *Habita quidem super hoc diligenti inquisitione Episcoporum, Abbatum, Ducum, omnium Judicum & aliorum Procerum sacri Palatii nostri examinatione, omnibus qui causa studiorum peregrinantur Scholaribus, hoc nostrae pietatis beneficium indulgemus, ut ad loca in quibus Literarum studia exercentur tam ipsi, quam eorum Nuncii veniant, & in eis secure habitent*: And thereafter adds, *Hac igitur generali & in perpetuum valitura lege Decernimus, ut nullus de cetero tam audax inveniatur qui aliquam Scholaribus injuriam inferre praesumat*: And it is subjoined, *Verum si litem us quispiam super aliquo negotio movere voluerit, hujus rei optione data Scholaribus, eos coram Domino vel Magistro suo, vel ipsius civitatis Episcopo (quibus hanc Jurisdictionem dedimus) conveniat; qui vero ad alium judicem eos trahere tentaverit, a tali conamine cadat*. And the Scholars of *St. Andrews*, even before the Erection, are presumed to have enjoyed the benefite of the universal custom, and were not subject at any time to any Magistrate of the Burgh. Now that there were Scholars at *St. Andrews*, is evident from the Charter of Erection, And Bishops and Abbots were ordained by repeated Councils their Canons, long prior to any vestige of the Erection of *St. Andrews* into any kind of Burgh, to maintain Schools; So that its presumable the priviledge of the Students is much elder than any priviledge this Town can pretend to; And the Erection did only assert and amplify their former priviledges, as to the point of Jurisdiction, and give power to do other things competent to the Universities, such as to make Statutes and Rules for Governing themselves, Creating Doctors, & Masters of Arts, &c. And the Town of *St. Andrews* suffers no more in this, than some of the most flourishing Cities of the World would reckon a happyness; And it is strange, that we should admit, with so much difficulty, so Ancient and Honourable a Constitution, when we see every day Regalities Erected, within the Bosoms of Heretable Sheriff-ships.

Your Lordships have laid hold upon the terms of our Charter for instructing that *St. Andrews* was Erected in a Burgh; But we do humbly conceive, that if the Town of *St. Andrews* Found upon ~~the~~ Charter, they must allow us to do the like, And as the Bishop calls the Town *nostra civitas*, and speaks of their

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their Magistrates as *Aldermanni* and *Balivi*, yet at the same time he says, *Et Vos Universos presentes & futuros quos amur is prosequimur privilegio singularis sub nostra & successorum nostrorum perpetua protectione, vigore Regalæ Ecclesiæ nostræ Sancti Andreæ suscipimus*. And the Articles giving power of Buying and Selling, Exeeming from Customs Taxes, &c. with several other Articles in that Charter, does clearly import a Jurisdiction in the Bishop; And if the Town Found upon Universities Charter to instruct their Right, They must admit of it as it stands, and not make use of it as to one part, and reject it as to another, *scilicet quod approbant non reprobant*, and the Universities Right being in *eodem Corpore Juris* cannot be divided. Therefore if that Charter be to be believed in asserting that St. Andrews was a Town, and had an Alderman and Baillies, it must likewise be believed, that that was not inconsistent with the Jurisdiction of the Regality in the Bishop and whereby they (being for the most part Canonists, the only Lawyers of these times) did conceive themselves impowered to grant such Privileges; And there is an mistake in the Argument drawn from the Jurisdiction of the Burgh upon the supposition that the Jurisdiction of the Royal Burgh was also distinct and clear then, especially in the lesser Burghs as it is now, which is no ways clear. And suppose our Charter call the Town *Civitas nostra*, and speaks of the Alderman and Baillies, yet it names no particular privilege, or Right they had which this Erection did or could prejudice, But on the contrary it imports rather a Right of propriety in the Bishop, and a Power to dispose of the Jurisdiction as he pleased.

But 4^{to}. Supposing there had been defects in the Constitution, and that the King, the Pope, the Bishop and Chapter joined together could not prejudice the imaginaty Privileges of St. Andrews, yet all these defects are supplied by the Consent of the Town of St. Andrews; And for clearing of that, It is to be observed in general, First, That no more evidence can justly be required for proving that Consent *in retam antiqua* after so many Changes and loss of Papers, then such as are drawn from reasonable Presumptions; Or known Matters of Fact, And of these there occur a great many here, In as far as our Historians do agree, that when the Popes Bull confirming the Erection, was brought to St. Andrews, there was an universal Joy over the whole Nation, especially in St. Andrews which they testified by Ringing of Bells, Bon-Fires, and all other signes and expressions of Gladness, as may be Read in *Fordon Spotswood* and others.

It was the Interest of the Town of St. Andrews, to have received the University, although it had been upon much harder Terms; And men are presumed to consent where their interest engages them. Nor is there any Vestige that ever they protested against the Erection, or any part of it, but on the contrary, the Provost of the Town is named Witness in both the Charters, granted in anno 1432, and Witnesses then did not import only the being Witnesses to the Subscription, but to the Deed. Next, it has been the constant Practice of the Masters of the said University, to punish all Injuries done by or against the Members without contradiction; Whereof there was a particular instance in the year 1667, or 1668, when one of the Scholars did an injury to a Towns Man upon some Provocation given, and thereupon the Rector and Masters having called a Court, sent for the Provost and Baillies that they might bring the Townsmen to the Court, the Magistrates came and brought him with them; And the Rector and his Assessors having found both Schollar and Towns-man guilty, they first punished the Schollar, and then

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judged the Towns-man, and committed him to Prison. Several other instances might be given.

As to the second Part of your Lordships Interloquitor, finding that the Act of Parliament the 4th, August 1621. falls under the Act *Salvo*, We crave leave to represent, That it will appear to any body, upon perusal of the said Act, that it is not a common Ratification, but a Statute in favours of the University, which is evident from the Grounds following. 1. That it is not past in the last day of the Parliament, after the ordinary manner of Ratifications, but is past in the first day of the Parliament. 2. It is not simply a Ratification of the former Priviledges, but in some things the Foundation is altered, and in several things enlarged and extended. 3. Albeit it bears a Clause, ratifying the former Rights, yet it is nevertheless a publick and perpetual Law; for these terms do occur in Laws, that are unquestionably publick, wherever either an ancient Right or Law falls to be Ratified or Revived. 4. It contains three or four Declarations in favours of the Earl of *Cassils*, the Privy Council, Session, &c. 5. *Et separatim*, This Act cannot be considered as a common Ratification, past without the Knowledge of the Town of *St. Andrews*; in as far as it contains the Grant of a *Fair*, in favours of the said Town: by vertue whereof, they have been, and are in possession of the said Fair ever since; Which carries a clear Homologation of the Act on their part: So that, to pretend that this was *parte inaudita*, or can be considered as a private Act, is absolutely groundless. Beside that, this being an Act in favours of an University, one of the most publick Societies in the Kingdom, it can never fall under the Act *Salvo*, which relates only to Acts and Ratifications past in favours of private Persons: And the Lords have several times decided, that special Acts, made even in favours of private Parties, read and considered in Parliament, are not comprehended under the Act *Salvo*, As in the Case of *John Stuart of Coldinghame*, in anno 1627, where the Lords found, that an Act in *Stuart's* Favours, declaring several Deeds in relation to his Estate, to be null; did not fall under the *Salvo*; and that themselves were not Judges to the Justice or Injustice of it. This is a Point of the greatest Consequence to the Nation; and therefore we do with all humility and earnestness, beg and beseech your Lordships to resume the Consideration of this Act, which we cannot but look upon, as it has been always till now considered, a publick and perpetual Law, futeable to the Care and Wisdom of the King, and Estates of Parliament, and conform to the laudable Institutions of all the Polite and Learned Nations of Christendome, in favours of the University of *St. Andrews*, which has the honour to be one of the most ancient Societies of Learning, formally Constitute, and the Mother of all other Colledges, Arts or Sciences in this Nation.

And as to that part of the Interloquitor, finding that the Clause in the Foundation comprehends only such Injuries as are done upon, and against the Members, but not such as are done by them; We do most humbly represent, that it is the misfortune of the University, that the principal Foundation, as well as the more Authentick Evidents, were carried away at the time of the Reformation; But though the Clause be a little obscure, yet it needs but a moderate Correction to make it plain; And therefore the Petitioners do with all Humility offer to your Lordships consideration, that which they conceive to be the true meaning and reading of the Clause. *Item Jurisdictionem*

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Interpretation.

punitionem & correctionem injuriarum à vobis, vel in vos, (ive delinquentes sint Clerici sivi Laici, eidem Rectori concedimus, dummodo ad atrocem injuriam non sit processum. This way of reading has nothing of absurd, and frees the Clause from all Obscurity, and is supported by the Arguments following. The 1. Is taken from a Chapter, to be found in the Records of the University, very few years after the Foundation, In these Words, *Nemo Academicæ nostræ alumnus calumniosa rixetur cum civium aliquo, neve eum injuria afficiat aut molestia, deniq; nec in bonis nec in corpore lædat; qui deliquerit, pro criminis qualitate, judicio Rectoris & Assessorum punietur.* From which Statute, it is evident, that about the time of erecting the University, it was considered, that the power of correcting their own Members, did belong to the Rector. 2. The Clause being obscure as it is transcribed, we must recur for the Interpretation of it, to the presumed meaning at the time of the Foundation; and that can be taken only from two. First from the general Observation of the Constitution of all the Universities in Christendome; And it is certain, by the constant Consent of all the Lawyers who treat upon that Subject, there was no University, whose Privileges were more moderate.

3. The next way to find out the intention of the Parties, is by considering the End, which they proposed to themselves by the Act, viz. The Protection and Encouragement of Students, and the entire Care and Conduct of forming their Minds to Vertue and Good Manners, as well as instructing them in Arts and Sciences; and that Design did require *Jurisdictionem, punitionem & correctionem in levioribus injuriis.* And it is certain and acknowledged by all Lawyers, who ever have treated on the Subject, that whatever Privileges were granted to the Scholars, were extended likewise to the other, tho inferior, Members of the University, particularly the Nuncij or Posts, as appears by the foresaid Constitution of Frederick the Emperor; And it were most unreasonable, that the Members of an University, for light Injuries, should be subject to the Correction of Bailiffs and Town-officers; and therefore its very well observed by Huber, *de Jure Civit* book 2: cap. 12. numb. 3, *Sed dignitas liberalium Scientiarum aliquid etiam externi decoris postulat, quia imperiti & prophanæ literarum sæpius insolenti odio, erga divinarum artium Cultores, feruntur. Habent igitur Academia Jurisdictionem, consequenter & Imperium, quod mixtum vocatur, & in executione ac modica coercitatione consistit; sine qua Juventus, hac præsertim Morum ætate, in officio contineri non potest. Proinde Magistratus Oppidorum, in quibus sint Academiae, nihil Juris ullæ ex parte in Cives Academicos exercere possunt, non magis quam in alterius Civitatis incolæ; quippe diversitas Jurisdictionum non pendet, à mænibus aut latitudinis, sed à distinctione Juris, quod non minus inter Academiam & Urbem sui loci diversum est, quam inter Urbes diversissime sitas: Proinde ineptos se admodum præbent, qui Jurisdictionem ideo non competere Academicis cavillantur, quod Territorium non habeant; quippe cum nihil sit clarius, quam Jurisdictionem Universitati, quæ ex hominibus constat, adscribi, non glebis & silicibus.* Which, in effect, touches the whole Subject of this Controversie. And the same Author *Lib 5. Prælect. in Pandect. Tit. 1. de Foro competente,* Where after he mentions, That in Schools, at the beginning, Citizens Children were not excepted from the Laws of the City, tho Strangers Students were, He adds, *Posteris vero temporibus, Regimine Academicarum, in modum Universitatis stabilito, idem Fori privilegium, ad incolæ studiosos, Urbium,*

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in quibus sunt Academiae, productum est. Privatur scz Magistratus Jurisdictionis sibi quaesita. See Coving. in Exerc. Acad. Exerc. 5. And agreeably to the Clause of our Foundation, Stephanus tractat de Jurisdictione Lib. 3, Part. 2. Cap. 6. N. 1. Teaches that the Nuncij & Famuli Professorum & Studiosorum, Typographi, Bibliopoli & Librarij do enjoy the Privileges and Immunities of the Masters and Students: And it might seem very unnatural to allow a Jurisdiction to punish others, who offend the Members of the University, and to deny the same Jurisdiction upon the Members themselves; It being the most natural and known Effect of any Society, constitute with a Jurisdiction, to have in the first place power over their own Members.

Lastly, That which puts the matter beyond all question is, the Act of Parliament which confirms all the Privileges, containing an Exception. That it should not Exeem the University from the Jurisdiction of the Lords of Session Privy Council, or Justiciary; And this being an Exception *firmat regulam in non Exceptis*, And Establishes the Universities Jurisdiction privative of all other Jurisdiction, but the Session, Council and Justice general; And shews that their Privileges were so ample, that without an Act of Parliament they could not be brought even before the Sovereign Courts of the Nation: Besides that in general, wherever a Society is Erected to be Govern'd by the Rules of their own Constitution, and subject to an common head, endow'd with Jurisdiction *inest de jure*, that they only should be subject to that Jurisdiction, and to no other, for the Reasons which Huber in the forecited place has very clearly laid down. *Quantum enim speciali Magistratui datum, tantum de generali Jurisdictione Magistratus detractum; Nec communis est Jurisdictionis aut preventionis locus, sed alter solus Judex. Nam in toto jure, generi per speciem derogatur, & illud potissimum habetur, quod ad speciem directum est*, Don. Hiligeri, L. 17. C. 9. Where the matter is cleared by Examples; And where it is likewise cleared, that Jurisdiction is not only determined by Territories or Local Precincts, but that its Extent is according to the cases, or persons subject to it: And this is more clearly expressed by Hiliger in his Notes, L. k. Cap. 20. D. l. 17. And it were easy to confirm what we have above said by multitudes of Authorities, and the practice of other Nations, nay even in this Country, the Universities of Glasgow and Aberdeen are in possession of these very Privileges at this day, which has been sustain'd before the Privy Council in a Famous Case betwixt the Town of Aberdeen, and the University there in Anno 1669. And in another case, betwixt the same University and the Young Laird of McKintosh and his Pedagogue within these four Years: And we have been in the constant possession of the said Privilege, altho' we are unwilling to burden our selves with a Probation, so troublesome and Expensive.

It was Objected, That these Privileges were often the occasion of Tumults and other Pleas; But certainly this Reason will never move Your Lordships, For, besides that it is deny'd, and wherever these have happened they have been the Effects of the Insolency and Rudeness of the Multitude, Yet even granting, that so good a design might have some bad Effects, *abusus non tollit usum*, and there can be no fear of such consequences in our case, seeing by the Clause of our Foundation, our Jurisdiction is restricted to lesser Injuries, and therefore can be no protection in Atrocious Crimes. And the Town of St. Andrews cannot alledge that ever they were troubled with any Tumults or

or Pleas of the University, nor can they deny, but the Masters have always by their Authority and strictness of Discipline, obliged their Students and other Members, and their Servants, to peace and good order.

We do therefore with great confidence expect, That Your Lordships will have regard to an University, so Solemnly and Legally Established, Cherished and confirmed by the care of our Princes and Parliament, and yet endued with no more than necessary, and modest Priviledges, now be near 300 Years standing, to the great Profite and Advantage of the Town of St. Andrews, as well as the Honour and Advantage of the Nation, where this ancient University, had the first happiness to break Day and scatter Light, and Knowledge, through the rest of the Nation. We do not at all question, but Your Lordships in Justice, will declare our Rights and Priviledges, in this Proces which the Baillies of St. Andrews, did oblige Us to intent, by their Severity against our Post, for a Riot committed by him upon a Towns man, without their Town, and for which the Rector did fine him, and yet they have refused all manner of Accomodation; And endeavour to procure Contempt, not only upon the Masters, and other Members of the University, but upon the University it self. All we propose is, to prevent the Ruine and Desolation of the University, by preserving those Priviledges, with which we have been endued, that it may be an Encouragement for Famous and worthy Masters, and for the Nobility and Gentry to frequent the University, whereby the Town of St. Andrews will be encreased in Riches and Honour, notwithstanding of the ingratitude of the said Baillies; And that it may appear to all the World, that Learning has the same Respect with us, that it has in other places: The Priviledges of Universities, at least as far as we plead them, are become in a manner *Jus gentium*, having the Approbation of all the polite Nations of Christendom, And for that Reason, the common Priviledges of Universities, are not violate in time of War.

May it therefore please Your Lordships, to Reconsider the former Interloquitor, and to sustain our Priviledges as legally and validly constitute, and to Find that the foresaid Act of Parliament 1621. hereto subjoined, is a publick and perpetual Law; And that our Jurisdiction of Correction and Punishment is extended over our own Members, *Dummodo ad atrocem injuriam non sit processum*, and excepting as is reserved in the foresaid Act of Parliament: And in case any difficulty remain, to allow Your Petitioners a Hearing in Your own Presence; According to Justice, And Your Lordships Answer,

ACT, In Favours of the University of St. ANDREWS.

IN the Parliament, Holden at *Edinburgh* the Fourth day of *August* 1621 Years. Our Sovereign Lord, And the Estates of this present Parliament, Understanding the Alteration and Change which has been made of the first Foundations of the Colledges, within the University of St. Andrews, To have bred such uncertainty in Professions of Sciences, and observation of Orders, appointed by the first Foundation

rors of the saids Colledges, That the greatest part of the Professors are negligent, making no profession at all, nor teaching as nor knowing whereto they shall betake themselves, neither can their Visitations, which are made for Reformation of Disorders take any profitable effect. In Respect of the Alterations before mentioned, and that it seems most Equitable, that the Wills of the first Foundators should take effect, except where the same is Repugnant to the true Religion presently profess within this Kingdom. *Therefore, Our said Sovereign Lord and Estates foresaid, Ratifies and Approves* the foresaid first Foundations of the said Colledges, In all the Heads, Articles and Clauses of the same, in so far as, the same may stand with the state of the true Religion: *And Ordains*, The Masters and Professors within the same Colledges hereafter, to Observe the Professions appointed by the first Foundators to them, and conform themselves to the Orders contain'd and set down in their first Foundations (This only excepted, that the Ministers of the New Colledge keep still the Profession of Divinity within their Schools, as presently is and has been used and esteemed thir Years bygone; and that in all other things the Masters of the said New Colledge, they observe the Laws of the first Foundation; According to the which all Visitations and Tryals hereafter shall be made, and no otherwayes: *Discharging*, All Acts and Statutes made in prejudice of their first Foundations, Reservand to the Earl of *Cassils* all his Rights and Priviledges which he has in and to St. *Salvators* Colledge, and Prebendaries within the same. And also, *Our said Sovereign Lord, and Estates foresaid, Ratifies and Approves*, all Gifts, Mortifications, Patronages, Priviledges, and Immunities granted by his Highness, or his Noble Progenitors, or by the Arch Bishop of St. *Andrews* to any of the saids Colledges, or to the University in General; And in special the Right of Conservatory of the Liberties and Priviledges of the Students within the same, and Jurisdiction belonging thereto, with an special Ordinance that Execution of Horning Pounding and others, shall be granted by the Lords of Session, upon all Decrees pronounced by the Rector of the University, or be the Conservator of the Priviledges of the same, in such manner as is granted upon Decrees of Commissars, Sheriffs, and Stewarts of Regalities within this Realm: And also Statutes and Ordains, That all Masters, Professors, Students, and Founded Persons within the said University, shall hereafter walk in their Gowns throughout all the said University, according to the Form that shall be prescribed to them by their Visitors, under the pain of Expelling them forth of the saids Colledges and University that do wilfully in the contrair thereof: *Further Statutes and Ordains*, that what Tacks be set thereafter by the Principal and Masters of any Colledge, exceed not the space of 19 Years, but prejudice always of all Tacks already set by the Principal and Masters, for all the days of their Lifetimes, and five Years thereafter, to whatsoever person or persons Whilk Tacks already set, the saids Estates, Declairs, to be good, valide, and sufficient in themselves, and also of such Tacks of Prorogation, as are set by the Lords of Parliament, by vertue of their Commissions, granted for planting of Kirks; And to the effect the Masters and Students within the University of St. *Andrews*, may be the better furnished with all sorts of fresh Vivers and Victuals, all the Times and Seasons in the Year; *Our said Sovereign Lord, and Estates*, by and attair their ordinary Mercat day, which is upon each *Saturday*, Grants by thir presents, full Liberty and Power to

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the said City of St. Andrews, to have another Weekly market upon like Wed-
nesday, for buying and selling of all sorts of Victuals and Vintages: It is also
ways declared, that this present Ratification, shall in no ways concern the said
University, nor Members thereof, from the Jurisdiction of the Lords of Ses-
sion, Secret Council; nor Justice General: And that notwithstanding any
Privileges contained in the Foundations, and Original Manifestations grant-
ed to them of before. *Extractum de libris p[re]torum P[ar]liamenti, per
me Dominum Alexandrum Gibson Juniores de D[omi]nis Militum, Clericum
rotulorum Regi ac Concilio, S. D. N. Regis sub intis Signis Subscriptio-
ne manualibus, &c. Sic subscribitur*

ALEX. GIBSON. C[lar]k Registrari